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10/022,291	12/14/2001	Samuel J. McKelvie	3399P071	2854

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/022,291	Applicant(s) MCKELVIE ET AL.	
	Examiner Hussein A. El-chanti	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to application filed on Dec. 14, 2001. Claims 1-43 are pending examination.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 10 been renumbered 44.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15, 17-36, 38-40 and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Porter, U.S. Patent No. 6,434,599.

As to claim 1, Porter teaches a computer-implemented apparatus for use by a plurality of users using a plurality of user devices, the apparatus comprising a plurality of agents of a plurality of different types to communicate with each other, at least some of the agents representing physical entities, each agent having one or more properties (see col. 6 lines 63-col. 7 lines 45, user subscribes with the server using personal information) and having the ability to subscribe to properties of other agents of the plurality of agents, the plurality of agents including one or more agents to collect information about properties of other agents and to publish the collected information to one or more subscribing agents (see col. 4 lines 51-col. 5 lines 21, user creates an agent to search other users with same interests or pre-specified criteria).

As to claim 2, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents comprises a plurality of device agents, each representing one of the plurality of user devices (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 3, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents comprises a plurality of persona agents, each representing one of the plurality of users (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 4, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents comprises: a plurality of device agents, each representing one of the plurality of user devices; and a plurality of persona agents, each representing one of the plurality of users (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 5, Porter teaches a computer-implemented apparatus as recited in claim 4, wherein the plurality of persona agents collect information about the properties of other agents, including the device agents, and route the collected information to one or more other agents which subscribe to the properties (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 6, Porter teaches a computer-implemented apparatus as recited in claim 4, wherein the device agents communicate with each other through one or more of the persona agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 7, Porter teaches a computer-implemented apparatus as recited in claim 4, wherein each of the plurality of agents has a set of properties to maintain state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45)..

As to claim 8, Porter teaches a computer-implemented apparatus as recited in claim 7, wherein the plurality of user devices comprises a wireless device, the wireless device comprising an embedded client application configured to receive and interpret

extensible markup language data representing changes to said state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 9, Porter teaches a computer-implemented apparatus as recited in claim 4, wherein at least one of the device agents represents a wireless user device that has an intermittent connection to the other user devices, wherein said device agent has a set of subscriptions and maintains state information for the set of subscriptions, and wherein said device agent communicates with a corresponding one of the persona agents to update said state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 10, Porter teaches a computer-implemented apparatus as recited in claim 9, wherein said corresponding one of the persona agents automatically publishes to said device agent state information to which the device agent has subscribed, when the user device represented by said device agent establishes the connection (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 11, Porter teaches a computer-implemented apparatus as recited in claim 4, wherein the plurality of agents use a data synchronization process to update state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 44, Porter teaches a computer-implemented apparatus as recited in claim 9, wherein the state information comprises device presence or location information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 12, Porter teaches a computer-implemented apparatus as recited in claim 11, wherein at least some of the agents cache state information received from another agent (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 13, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents comprises a chat agent to represent a chat session.

As to claim 14, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of user devices comprises a computer coupled to a wireline network and a mobile device operating on a wireless network, the computer and the mobile device each represented by a separate one of the agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 15, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the agents communicate with each other using an extensible data interchange protocol (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 17, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein a change to a property of one of the agents is automatically published to an agent which has subscribed to the property of said one of the agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 18, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein at least some of the agents can set properties of other ones of the agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 19, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein for at least one of the agents, a user associated with said agent can control which agents may subscribe to properties of said agent (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 20, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein for at least one of the agents, a user associated with said agent can specify the properties of said agent to which other agents may subscribe (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 21, Porter teaches a computer-implemented apparatus as recited in claim 20, wherein the user associated with said agent can specify the properties of said agent to which other agents may subscribe on a per-subscriber basis (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 22, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents further comprises an interoperability agent to connect the messaging system with another messaging system (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 23, Porter teaches a computer-implemented apparatus as recited in claim 22, wherein the interoperability agent converts between an extensible data



interchange protocol used by the plurality of agents and another protocol used by said other messaging system (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 24, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a messaging application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 25, Porter teaches a computer-implemented apparatus as recited in claim 24, wherein the messaging application comprises a user-to-user messaging application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 26, Porter teaches a computer-implemented apparatus as recited in claim 25, wherein the user-to-user messaging application is an Instant Messaging (IM) application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 27, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a content distribution application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 28, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a game application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 29, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a user collaboration application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 30, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a call setup application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 31, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a provisioning application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 32, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies an alerting/notification application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 33, Porter teaches a machine-readable storage medium storing instructions which embody an application for execution by a processing system, the application for use by a plurality of users using a plurality of user devices, such that the application, when executed, generates a plurality of agents of a plurality of different types to communicate with each other, at least some of the agents representing physical entities, each agent having one or more properties and having the ability to subscribe to properties of other agents of the plurality of agents, the plurality of agents including one or more agents to collect information about properties of other agents and

publish the collected information to one or more subscribing agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 34, Porter teaches an apparatus comprising: means for creating a plurality of agents to communicate messages for a plurality of users by using a data synchronization model, the plurality of agents including a plurality of device agents, one for each of a plurality of user devices used by the plurality of users, and a plurality of persona agents, one for each of the users, each agent having one or more properties and having the ability to subscribe to properties of other agents of the plurality of agents; and means for using the persona agents to collect information about the properties of other agents, including the device agents, and publish the collected information to one or more other agents which subscribe to the corresponding properties (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 35, Porter teaches a user-to-user messaging system comprising: a processor; and a storage facility coupled to the processor and storing code which configures the processor to create a plurality of agents to communicate user-to-user messages between a plurality of users in real time by using a data synchronization model, each agent having one or more properties and having the ability to subscribe to properties of other agents of the plurality of agents, the plurality of agents including a plurality of device agents, one for each of a plurality of user devices used by the plurality of users; a plurality of persona agents, one for each of the users, to collect information about the properties of other agents, including the device agents, and publish the

collected information to one or more other agents which subscribe to the corresponding properties (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 36, Porter teaches a messaging system comprising: a plurality of agents to communicate messages between a plurality of users in real time by using an extensible data interchange protocol to implement a document synchronization model, each agent having one or more properties and having the ability to subscribe to properties of other agents of the plurality of agents, wherein the plurality of agents communicate using said extensible data interchange protocol, the plurality of agents including a plurality of device agents, one for each of a plurality of user devices used by the plurality of users, the plurality of user devices including a computer coupled to a wireline network and a mobile device operating on a wireless network; and a plurality of persona agents, one persona agent for each of the users, each of the persona agents to collect information about the properties of other agents, including the device agents, and to publish the collected information to one or more other agents which subscribe to the corresponding properties, wherein each of the persona agents comprises a set of properties to maintain state information for each of the user devices used by the user associated with said persona agent, the state information including device presence information, such that a change to a property of one of the agents is automatically published to an agent which has subscribed to the property of said one of the agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 38, Porter teaches a method comprising: creating a plurality of agents of a plurality of different types to communicate with each other, at least some of the

agents representing physical entities, each agent having one or more properties and having the ability to subscribe to properties of other agents of the plurality of agents; and using one or more of the agents to collect information about properties of other agents and to publish the collected information to one or more subscribing agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 39, Porter teaches a method comprising: maintaining a messaging application configured to communicate messages between a plurality of users in real-time by using a data synchronization process; and executing the messaging application to communicate messages between the plurality of users in real-time by using the data synchronization process (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 40, Porter teaches a method comprising: using an extensible markup language schema to provide a user-to-user messaging application, such that the user-to-user messaging application includes a plurality of agents capable of subscribing to properties of each other; and executing the instant messaging application to allow communication of user-to-user instant messages (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 42, Porter teaches a method comprising: creating a plurality of agents to communicate messages for a plurality of users by using a data synchronization model, the plurality of agents including a plurality of device agents, one for each of a plurality of user devices used by the plurality of users, and a plurality of persona agents,

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one for each of the users, each agent having one or more properties and having the ability to subscribe to properties of other agents of the plurality of agents; and using the persona agents to collect information about the properties of other agents, including the device agents, and to publish the collected information to one or more other agents which subscribe to the corresponding properties (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 43, Porter teaches an apparatus comprising: a plurality of sources, each having at least one property; a plurality of sinks, each capable of subscribing to a property of a source; and an intermediary agent to aggregate state information corresponding to the properties of the sources and to distribute the state information to sinks, of the set of sinks, which subscribe to the respective properties (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter.

As to claims 16, 37 and 41, Porter teaches a user-to-user messaging system comprising: a chat agent to represent a user-to-user messaging session; a plurality of

agents to communicate messages between a plurality of users in real time by using a language document synchronization model, each of the agents having one or more properties defined in and having the ability to subscribe to properties of other agents of the plurality of agents, wherein the plurality of agents communicate with each other using an based messaging protocol, the plurality of agents including a plurality of device agents, one for each of a plurality of user devices used by the plurality of users, the plurality of user devices including a computer coupled to a wireline network and a mobile device operating on a wireless network; and a plurality of persona agents residing in an agent system coupled to the wireless network and to the wireline network, one persona agent for each of the users, to collect information about the properties of other agents, including the device agents, and to publish the collected information to one or more other agents which subscribe to the properties, wherein each of the persona agents comprises a set of properties to maintain state information for each user device used by the user associated with said persona agent (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

Porter does not explicitly teach the language is XML. Official Notice is taken as evident by Microsoft Computer Dictionary 5<sup>th</sup> Edition that it would have been obvious for one of the ordinary skill in the art at the time of the invention to implement Porter's messaging system using XML because doing so would provide greater flexibility in organizing and presenting information.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

June 2, 2005

  
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